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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,166	09/26/2003	Jerome D. Brown	10387US01	8106

7590 02/08/2005

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EXAMINER	
NGUYEN, JOHN QUOC	
ART UNIT	**PAPER NUMBER**
3654	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,166	BROWN ET AL.	
	Examiner	Art Unit	
	John Q. Nguyen	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/29/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The disclosure is objected to because of the following informalities: on page 10, line 27, it appears that "124" is incorrect. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-6, 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5, 6, and 14 it appears that the sentence is incomplete (see for example claim 7).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 8-10, 12, 13, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiraguchi et al (US 6736345). Note the core with a "top side" at 74, arm 56, and "web" extending from top side 74 to the arm 56. Since the claimed structures are met, the functions of claims 2, 9, 13, 16 are deemed inherent therein. It is deemed that the distance of claim 5 is met (from the figures).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 7, 18 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hiraguchi et al (US 6736345).

Since the claimed structures are met, the variations of claims 3, 4 are deemed inherent therein or, alternatively, the claimed variations would have been within the level of one of ordinary skill in the art and would have been determined through routine engineering experimentation and optimization based on design criteria. The distance of claim 7 is deemed inherent or, alternatively, would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as design criteria (based on the relative size of the reel). The stress of claim 18 is deemed inherent since the cartridge of Hiraguchi et al appears to be the same type as the one of the invention or, alternatively, the stress would have been an obvious matter

of design choice to a person having ordinary skill in the art based on factors such as preference and design/operational criteria.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraguchi et al (US 6736345). Laser welding is old and well known in the art and Official Notice is hereby taken of such; therefore, to use laser welding would have been obvious to a person having ordinary skill in the art to weld the flange to the arm.

Claims 1, 2, 5-9, 12-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Zwettler et al (US 6474582).

Zwettler et al discloses a tape cartridge having substantially all the claimed features including a core 62, annular arm 61, and web extending from the core at location 66 to the arm. The center of the web connects to the arm within 10% of the height of the arm 61 in the top half. Since the cartridge appears to be the same type as being claimed, i.e. for 0.5-inch tape, 10% of 0.5 inch is 0.05 inch. Since the claimed structures are met, the functions of claims 2, 9, 13, 16 are deemed inherent therein.

Claims 3, 4, 18 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zwettler et al (US 6474582).

Since the claimed structures are met, the variations of claims 3, 4 are deemed inherent therein or, alternatively, the claimed variations would have been within the level of one of ordinary skill in the art and would have been determined through routine

engineering experimentation and optimization based on design criteria. The stress of claim 18 is deemed inherent since the cartridge of Zwettler et al appears to be the same type as the one of the invention or, alternatively, the stress would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference and design/operational criteria.

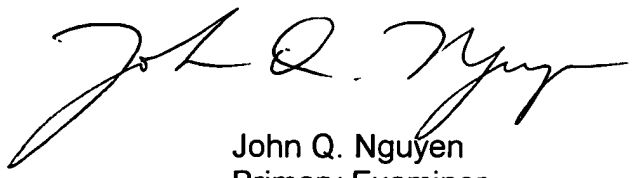
Claims 10, 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwettler et al (US 6474582) in view of Hiraguchi et al (US 6736345). Hiraguchi et al has been advanced above and shows the lower flange integral with the arm. It should be noted that Zwettler et al also suggests various materials for the flanges including thermoplastics (col 5, lines 30-31). It would have been obvious to a person having ordinary skill in the art to make the flanges out of thermoplastics and form the lower flange as part of the arm as taught by Hiraguchi et al to reduce the number of parts and therefore manufacturing costs. Laser welding is old and well known in the art and Official Notice is hereby taken of such; therefore, to use laser welding would have been obvious to a person having ordinary skill in the art to weld the flange to the arm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689 (or (703) 272-6952 beginning about mid-April 2005). The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Q. Nguyen
Primary Examiner
Art Unit 3654